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James E. Ledbetter, Esq.
STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
Suite 850
1615 L Street, N.W.
Washington, DC 20036

MAIL

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of: :
Toyaki Ue et al. :
Application No.: 10/057,897 :
Filed: January 29, 2002 :
For: RADIO COMMUNICATION :
APPARATUS AND TRANSMISSION RATE :
CONTROL METHOD :

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed March 12, 2002, to make the above-identified application special pursuant to M.P.E.P. § 708.02 (VIII).

A grantable petition to make special in accordance with M.P.E.P. § 708.02, Item VIII, must be accompanied by (a) the fee set forth in 37 C.F.R. § 1.17(I), (b) a statement that all claims are directed to a single invention or an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention, (c) **a statement that a pre-examination search has been made by the inventor, attorney, agent, professional searcher, etc., and a listing of the field of search by class and subclass**, (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) **a detailed description of the submitted references and discussions pointing out how the claimed subject matter is distinguishable over these references.**

The petition lacks a listing of the field of search by class and subclass as stated in (c) and a detailed description of the cited references, as in (e), in the IDS filed January 29, 2002, except for Tiedemann Jr. et al. and Mahany et al. references. Applicants must distinguish the claimed subject matter over the cited references.

For the above stated reasons, the petition is **DENIED**.


Should applicant desire reconsideration, he/she should supplement this petition by including the information as outlined above. No further petition fee is required.

Any request for reconsideration must be filed within **TWO MONTHS** from the mailing date of this decision.

The application file is being forwarded to the technology center central files to await a response for the office action mailed April 10, 2002.

Application No : 10/057,897
Petition

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Kenneth A. Wieder, SPRE
Technology Center 2600
Communications